Aboriginal Affairs and Northern Development Canada

Affaires autochtones et Développement du Nord Canada

ACCESS TO INFORMATION ACT

ANNUAL REPORT TO PARLIAMENT 2013-2014

Canada

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INTRODUCTION

I. Introduction

The purpose of the *Access to Information Act (ATIA)* is to provide Canadians with access to records under the control of federal institutions, except for records subject to limited and specific exemptions and exclusions.

This report, submitted to Parliament pursuant to section 72 of the *Act*, describes the activities of Aboriginal Affairs and Northern Development Canada (AANDC) that support compliance with access to information legislation. The report details the activities and accomplishments of AANDC's Access to Information and Privacy (ATIP) Directorate, including highlights such as:

- Full compliance with the statutory deadlines of the *ATIA*, and zero deemed refusals;
- Creation of the ATIP Liaison Shared Drive;
- Institution of a new online ATIP request system; and
- Continued training initiatives to increase departmental ATIP capacity and awareness.

Our Department

AANDC supports Aboriginal peoples (First Nations, Inuit and Métis) and Northerners in their efforts to:

- Improve their social well-being and economic prosperity;
- Develop healthier, more sustainable communities; and
- Participate more fully in Canada's political, social and economic development – to the benefit of all Canadians.

AANDC is the federal department primarily responsible for meeting the Government of Canada's obligations and commitments to First Nations, Inuit and Métis, and for fulfilling the federal government's constitutional responsibilities in the North. AANDC's overall mandate and wide-ranging responsibilities are shaped by centuries of history and unique demographic and geographic challenges. The mandate is derived from the *Constitution Act 1982*, the *Indian Act*, the *Department of Indian Affairs and Northern Development Act*, territorial Acts, treaties, comprehensive claims and self-government agreements, as well as various other statutes affecting Aboriginal people and the North.

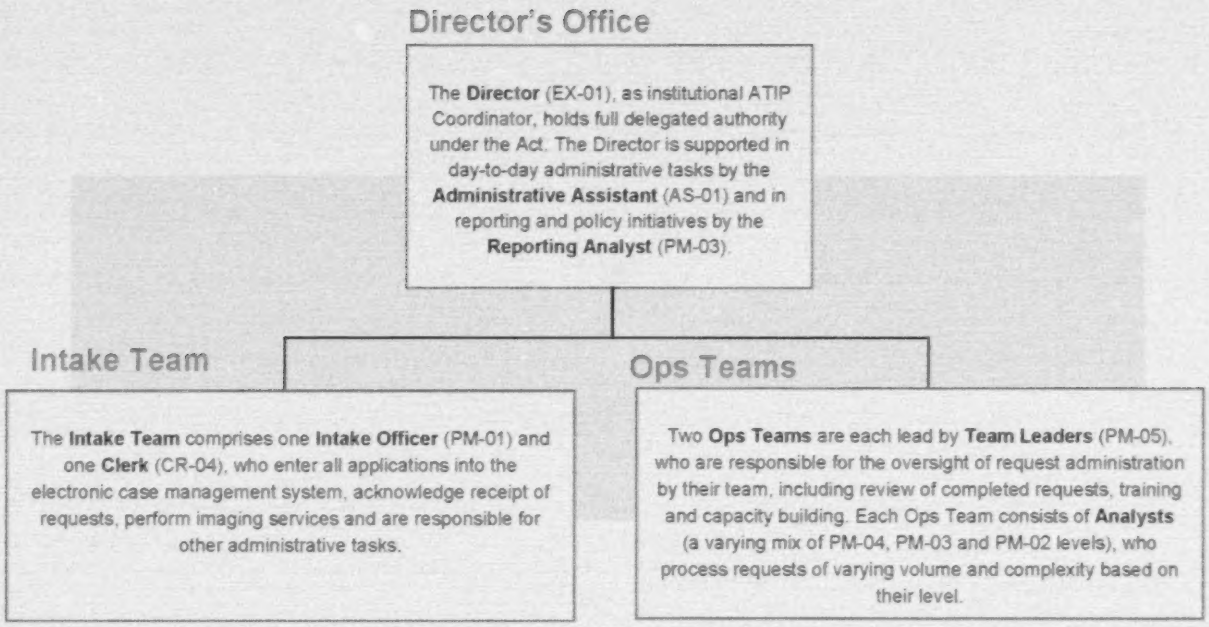
Most of the department's programs, representing a majority of its spending, are delivered through partnerships with First Nation and Aboriginal communities and federal-provincial or federal-territorial agreements. AANDC also works with urban Aboriginal people, Métis and non-status Indians (many of whom live in rural areas).

II. Organization

ATIP Directorate at AANDC

The ATIP Directorate is responsible for the administration of requests made under the *ATIA*. It was established within the Corporate Secretariat and reports to the Corporate Secretary, who is directly accountable to the Deputy Head and is a member of the AANDC Senior Management Committee (SMC). The Directorate also coordinates and implements policies, guidelines and procedures to ensure departmental compliance with the *ATIA*. Workshop presentations, training courses and awareness sessions designed to increase access to information and privacy capacity across the Department are also provided by the Directorate.

The Directorate comprises two divisions: the Operations Unit and the Privacy Policy Unit. The structure of the Privacy Policy Unit can be found in the *2013-2014 AANDC Annual Report to Parliament on the Privacy Act*, while the Operations Unit, which is responsible for the processing of requests and consultations, is structured as follows:


Director's Office
The Director (EX-01), as institutional ATIP Coordinator, holds full delegated authority under the Act. The Director is supported in day-to-day administrative tasks by the Administrative Assistant (AS-01) and in reporting and policy initiatives by the Reporting Analyst (PM-03).
Intake Team
The Intake Team comprises one Intake Officer (PM-01) and one Clerk (CR-04), who enter all applications into the electronic case management system, acknowledge receipt of requests, perform imaging services and are responsible for other administrative tasks.
Ops Teams
Two Ops Teams are each lead by Team Leaders (PM-05), who are responsible for the oversight of request administration by their team, including review of completed requests, training and capacity building. Each Ops Team consists of Analysts (a varying mix of PM-04, PM-03 and PM-02 levels), who process requests of varying volume and complexity based on their level.

Within each of the sectors and regional offices of AANDC are ATIP Liaison Officers (ALOs) who receive callouts from the ATIP Directorate and subsequently task the request to appropriate areas within their sector. ALOs plays a crucial role in ensuring requests are clear to the record retrievers and that the appropriate records, impact statements and approvals are obtained and communicated to ATIP Directorate officials in a timely manner.

III. Delegation Order

Under section 73 of the *ATIA*, the Minister's authority may be delegated to departmental officials in order to administer the *Act* within AANDC.

During the reporting period, the delegation order signed by Minister John Duncan on August 30, 2011 was in effect (Appendix A). Under section 73 of the *Act*, the order delegates full authority and responsibility for the *ATIA* to the following positions:

- Deputy Minister
- Associate Deputy Minister
- Corporate Secretary
- Departmental ATIP Coordinator

The ATIP Coordinator can also sub-delegate to either one of the Team Leader positions.

STATISTICS

IV. Interpretation of the Statistical Report

AANDC's Statistical Report was submitted to the Treasury Board Secretariat (TBS) on May 1, 2014 (Appendix B). The Report details various aspects of the requests AANDC received and processed during the period of April 1, 2013 to March 31, 2014.

Part 1. Requests under the *Access to Information Act*

1.1 Requests Received

In 2013-2014, AANDC received 556 requests under the *ATIA* in addition to 101 requests that were carried over from the previous year (Table 1.1). Of these 657 requests, the ATIP Directorate completed 586 requests and carries 71 requests over into the 2014-2015.

Table 1.1 Number of Requests from 2013-2014

Number of Requests	2012-2013	2013-2014
Received	648	556
Outstanding from last year	83	101
Total	731	657
Closed this year	623	586
Carried over to next year	108	71

1.2 Sources of Requests

Of the 556 requests received during the reporting period, 229 (41.4%) were received from members of the media, followed by 214 (39.3%) from the general public, and 65 (11.7%) from businesses in the private sector (Table 1.2).

Table 1.2 Sources of Requests

Source	2012-2013	2013-2014
Media	149 (23.0%)	229 (41.4%)
Public	386 (59.6%)	213 (39.3%)
Business	54 (8.3%)	65 (11.7%)
Organization	41 (6.3%)	27 (4.9%)
Academia	18 (2.8%)	21 (3.8%)
Total	648	556

AANDC continues to receive requests predominantly from the public and media. Media requests, in particular, became more frequent (81 or 54.4% more requests) as journalists sought records related to high-profile topics.

Part 2. Requests closed during the reporting period

2.1 Disposition and completion time

Of the 586 requests closed during the reporting period (Table 2.1), AANDC was able to fully or partially disclose records in 372 cases; that is, 63.5% of the time a request was submitted to AANDC, the result was a disclosure of records (similar to the 66.8% rate reported in 2012-2013). In these cases, the majority of requests (173, or 46.5%) took 30 days or less to complete. Overall, 369 (62.9%) of the 586 requests were closed within the statutory 30 day timeframe.

Thirteen percent of requests were abandoned by the requester, treated informally, or transferred to the appropriate government institution. Only in 25 cases (4.2% of all requests) were the relevant records fully exempted or excluded under provisions of the *ATIA*.

There were 217 requests that required greater than 30 days to process, 85 of which took greater than 120 days to complete. However, 79 of these 85 requests resulted in the full or partial disclosure of records

The most frequent outcome of the requests processed during the reporting period was 'Disclosed in part', which was the result of 256 requests (43.7%), followed by 'All disclosed' which was the result of 116 requests (19.8%). In 59 instances, the request was abandoned by the requester, likely because the original request

was not complete, clarification could not be obtained, or because the cost estimate for search fees was not accepted.

Figure 2.1 Outcomes of Closed Requests

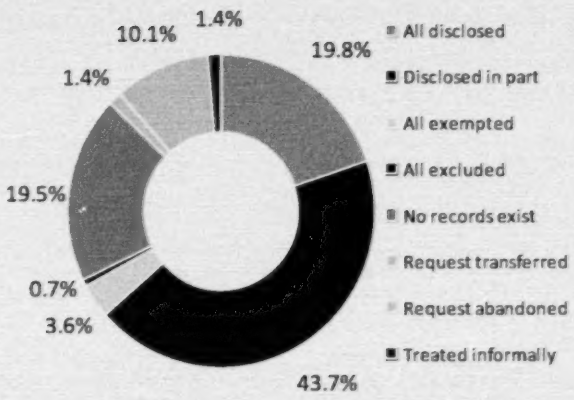


Table 2.1 Disposition and completion time of requests made under the *Access to Information Act*

Disposition of requests	Completion Time							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
All disclosed	24	70	12	8	1	1	0	116
Disclosed in part	12	67	27	73	54	23	0	256
All exempted	6	5	2	3	3	2	0	21
All excluded	1	1	0	1	1	0	0	4
No records exist	54	55	4	1	0	0	0	114
Request transferred	8	0	0	0	0	0	0	8
Request abandoned	52	6	1	0	0	0	0	59
Treated informally	3	5	0	0	0	0	0	8
Total	160	209	46	86	59	26	0	586

2.2 Exemptions

As seen in previous years, the most common exemption invoked during the reporting period was the severing of government operations information pursuant to subsection 21(1) of the *ATIA*, which was cited in 205 (73.7%) release packages (Table 2.2). The next most common exemptions applied were under those subsection 19(1) (191 instances (68.7%)) and 20(1) (147 instances (52.9%)), which protect personal information and certain third party information, respectively.

In general, exemptions were used more frequently over 2013-2014 in comparison to previous years, with 775 total exemptions applied across 397 requests where relevant records were retrieved and treated.

Table 2.2 Number of requests closed where exemption provisions were invoked

Section	Number of requests	Section	Number of requests	Section	Number of requests	Section	Number of requests
13(1)(a)	2	16(2)(a)	0	18(a)	2	20.1	0
13(1)(b)	4	16(2)(b)	0	18(b)	5	20.2	0
13(1)(c)	16	16(2)(c)	0	18(c)	0	20.4	0
13(1)(d)	1	16(3)	0	18(d)	1	21(1)(a)	80
13(1)(e)	0	16.1(1)(a)	0	18.1(1)(a)	0	21(1)(b)	58
14(a)	22	16.1(1)(b)	0	18.1(1)(b)	0	21(1)(c)	54
14(b)	0	16.1(1)(c)	0	18.1(1)(c)	0	21(1)(d)	13
15(1) – I.A.*	2	16.1(1)(d)	0	18.1(1)(d)	0	22	12
15(1) – Def.*	8	16.2(1)	39	19(1)	191	22.1(1)	0
15(1) – S.A.*	0	16.3	0	20(1)(a)	5	23	92
16(1)(a)(i)	4	16.4(1)(a)	0	20(1)(b)	84	24(1)	3
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(b.1)	0	26	1
16(1)(a)(iii)	0	16.5	0	20(1)(c)	25	Total: 775	
16(1)(b)	4	17	4	20(1)(d)	33		
16(1)(c)	10	* I.A.: International Affairs Def.: Defence of Canada S.A.: Subversive Activities					
16(1)(d)	0						

2.3 Exclusions

In 2013-2014, out of 397 requests where relevant records were retrieved and treated, a total of 102 exclusions were applied. Exclusions were predominantly cited pursuant to subsection 69(1)(g), which was applied in 63 requests (60.8%) (Table 2.3). These exclusions generally contained references to records related to funding via TBS Submissions and Memoranda to Cabinet.

Table 2.3 Number of requests closed where exclusion provisions were applied

Section	Number of requests	Section	Number of requests	Section	Number of requests
68(a)	0	69(1)(a)	10	69(1)(g) re (a)	63
68(b)	0	69(1)(b)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(c)	1	69(1)(g) re (c)	0
68.1	0	69(1)(d)	5	69(1)(g) re (d)	0
68.2(a)	0	69(1)(e)	21	69(1)(g) re (e)	0
68.2(b)	0	69(1)(f)	2	69(1)(g) re (f)	0
Total	102			69.1(1)	0

2.4 Format of information released

Over the course of this reporting period, the majority of responses were provided to the requester in CD ROM format. In total, AANDC conveyed response packages electronically in 215 requests (77.3% of all responses) where records were disclosed.

Table 2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	36	65	5
Disclosed in part	14	150	8
Total	50	215	13

2.5 Complexity

The following sections detail several factors affecting the complexity of requests that were completed throughout 2013-2014.

2.5.1 Relevant pages processed and disclosed

During the reporting period, the ATIP Directorate retrieved and reviewed 324,047 pages across 456 requests of records under the control of the Department (Table 2.5.1). This is a decrease of over 72,000 pages from 2012-2013. To view the full listing of AANDC's completed access to information requests since 2010, go to http://www.aadnc-aandc.gc.ca/prodis/atip/rqs-eng.asp.

In 2013-2014, AANDC increased the average amount of pages released per request to 281.1 pages, a significant increase over the average release of 252.2 pages per request from 2012-2013. In addition, 38.7% (125,567 pages) of the total records processed during the reporting period were disclosed partially, or in their entirety, an increase of over the previous year's 31.5% release rate.

Table 2.5.1 Relevant pages processed and disclosed

Disposition of requests	Number of pages processed	Number of pages disclosed	Number of requests
All disclosed	27,337	12,641	116
Disclosed in part	266,639	112,926	256
All exempted	27,171	0	21
All excluded	1,684	0	4
Request abandoned	1,216	0	59
Total	324,047	125,567	456

2.5.2 Relevant pages processed and disclosed by size of requests

Just over half of the requests (230 or 50.4%) required 100 pages of processing or less (Table 2.5.2). At the other end of the spectrum, 63 requests required the review of over 1,000 pages, including 14 requests of over 5,000 pages to process. These 63 high-volume requests accounted for 87,534 (69.7%) of all pages of records released over the course of 2013-2014.

Table 2.5.2 Relevant pages processed and disclosed by size of request

Disposition	Less than 100 pages processed		101-500 pages processed		501-1000 pages processed		1001-5000 pages processed		More than 5000 pages processed	
	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed	Requests	Pages disclosed
All disclosed	86	2,029	25	4,189	2	1,695	2	4,719	1	9
Disclosed in part	76	1,539	83	13,930	39	14,651	47	44,801	11	38,005
All exempted	10	0	5	0	4	0	0	0	2	0
All excluded	1	0	1	0	2	0	0	0	0	0
Abandoned	57	0	2	0	0	0	0	0	0	0
Total	230	3,568	116	18,119	47	16,346	49	49,520	14	38,014

2.5.3 Other complexities

During the reporting period, AANDC faced several challenges that increased the complexity of its requests. Out of the 586 requests completed, the subject matter of 252 requests (or 43.0% of all requests) was deemed to be of a sensitive nature. Such requests sought records pertaining to high-profile issues in the media, budget and spending information related to Aboriginal groups, allegations and complaints.

Consultations with stakeholders remained an important factor for the processing of requests at AANDC. The Department consulted 189 times regarding records that contained information pertinent to other government institutions or third parties. When consultations were undertaken, the most frequent outcome of the request was full or partial release of records (176 instances). AANDC most frequently consulted with the departmental Legal Services Unit (DLSU) regarding potential Cabinet Confidences and the Department of Justice (DOJ) regarding information that is subject to solicitor-client privilege. AANDC also frequently consulted with Canada Post Corporation (CPC), Environment Canada (EC), the Department of Foreign Affairs and International Trade (DFAIT), Health Canada (HC), Natural Resources Canada (NRCAN), Public Works and Government Services Canada (PWGSC) and the Royal Canadian Mounted Police (RCMP).

AANDC continued to collect application fees with most new requests (see Part 4).

Table 2.5.3 Other complexities related to requests closed during the reporting period

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other	Total
All disclosed	17	1	0	98	116
Disclosed in part	159	8	0	89	256
All exempted	11	0	0	10	21
All excluded	2	0	0	2	4
Abandoned	0	6	0	53	59
Total	189	15	0	252	456

As it did in 2011-2012, and 2012-2013, AANDC continued to encounter complex files with a high number of pages for review. One approach that was taken in previous years was used once more, and proved successful yet again in 2013-2014. When multiple requesters made identical or similar requests for the same large set of records, AANDC obtained consent from each of the requesters to apply an extension to their file and administer all requests as one single file. In return, AANDC committed to waiving all search and retrieval fees and making interim releases to the requesters if possible. The approach was well-received and each of these files was closed during 2013-2014 with no subsequent complaint filed.

2.6 Deemed refusals

During the reporting period, AANDC completed all requests within their statutory deadlines.

2.7 Requests for translation

During the reporting period, there was only one instance where a requester asked that responsive records be translated to another official language, to which request AANDC complied.

Part 3. Extensions

3.1 Reasons for extensions and disposition of requests

A total of 213 extensions under section 9(1) of the *ATIA* were applied in 2013-2014.The most frequent reasons for extending the statutory timeline of requests in 2013-2014 were similar to the most frequent reasons in 2012-2013. The most prevalent reason for extending deadlines this reporting period was for consultation with Other Government Departments (OGDs) (81 times, or 38.0% of all extensions) and third party organizations (48 times, or 22.5% of all extensions).

In all cases where extensions pursuant to 9(1)(a) were taken, the requests resulted in dispositions of 'All disclosed' or 'Disclosed in part'. Where an extension was taken under either 9(1)(a), (b) or (c), records were fully or partially disclosed in 197 out of 213 (92.4%) instances (Table 3.1). Only in 11 cases were extensions applied for external consultations with OGDs or third parties and no records released due to exemptions. In only one where extensions were taken for consultations, the request was abandoned by the requester.

Of the 60 requests where extensions were taken for the purpose of consulting the DLSU on potential Cabinet confidences, 58 resulted in the disclosure of records (for more on DLSU consultations, see Part 6).

Figure 3.1 Extensions and workload over the past three years

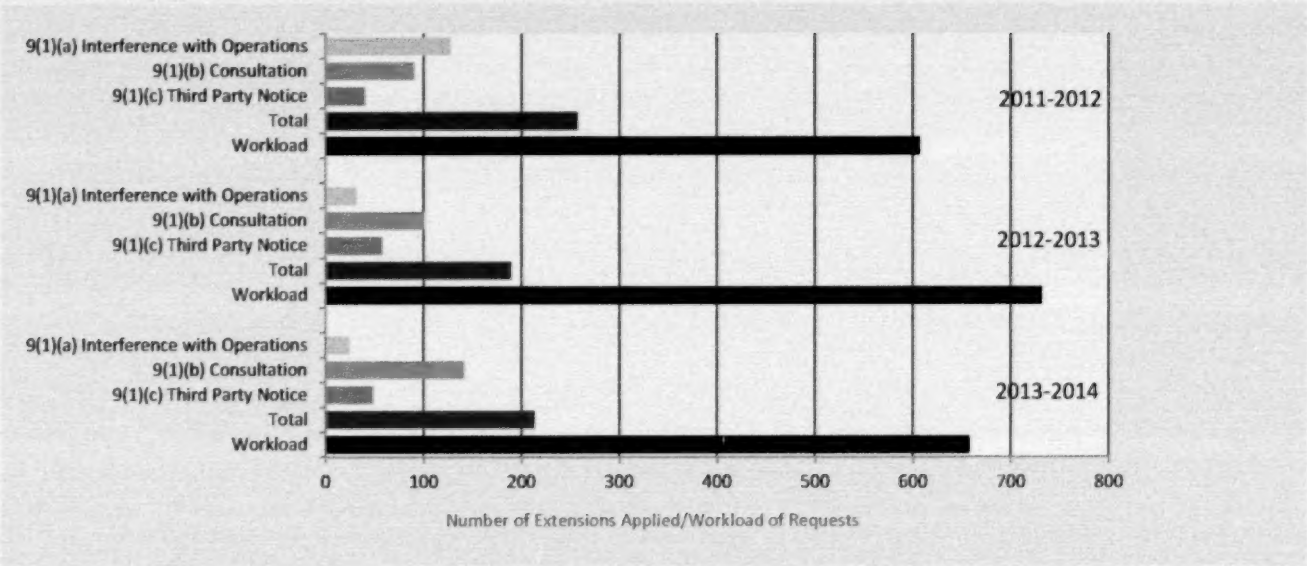


Table 3.1 Reasons for extensions and disposition of requests

Disposition of requests where an extension was taken	9(1)(a) Interference with Operations	9(1)(b) Consultation		9(1)(c) Third Party Notice
		Section 69	Other	
All disclosed	2	1	2	4
Disclosed in part	22	57	71	38
All exempted	0	1	5	5
All excluded	0	1	1	0
No records exist	0	0	1	1
Request abandoned	0	0	1	0
Total	24	60	81	48

Table 3.2 Length of extensions

Length of extension	9(1)(a) Interference with Operations	9(1)(b) Consultation		9(1)(c) Third Party Notice
		Section 69	Other	
30 days or less	3	1	4	0
31 to 60 days	3	1	17	24
61 to 120 days	6	44	35	12
121 to 180 days	2	4	12	1
181 to 365 days	10	10	13	11
365 days or more	0	0	0	0
Total	24	60	81	48

3.2 Length of extensions

The majority of extensions applied during the reporting period were less than 180 days. Only on 44 occasions (or 20.7% of the time) were longer extensions applied due to significantly large volumes of records, and in no circumstances did AANDC take an extension for greater than 180 days.

The length of extensions applied under paragraphs (b) was largely dependent on timeframes decided by the other organization. Whenever an extension of over 30 days was applied, AANDC notified the Office of the Information Commissioner (OIC).

Part 4. Fees

AANDC collected $2,580 in application fees and waived $14,800 in fees over the course of the reporting period (Table 4). For five requests, search fees were assessed and collected for a total of $5,656.

The movement toward electronic release of information has allowed the Department to avoid assessing fees for reproduction and preparation costs in most scenarios. AANDC will continue to emphasize electronic release of records wherever possible.

Table 4. Fees collected and waived

Fee Type	Fee Collected		Fee Waived or Refunded	
	# of Requests	Amount	# of Requests	Amount
Application	516	$2,580	14	$70
Search	5	$5,656	6	$14,730
Production	0	$0	0	$0
Programming	0	$0	0	$0
Preparation	0	$0	0	$0
Alternative format	0	$0	0	$0
Reproduction	0	$0	0	$0
Total	521	$8,236	20	$14,800

Part 5. Consultations received from other institutions and organizations

5.1 Consultations received from other institutions and organizations

AANDC received 168 consultations for a total of 9,320 pages from other government institutions. AANDC carried over another 16 files from last year, for a total of 184 consultations (Table 5.1). This figure represents a 14.0% decrease from the 214 consultations received in 2012-2013.

The ATIP Directorate completed 175 consultations, reviewing 9,831 pages in the process, and carried over 20 into the 2014-2015 fiscal year.

Table 5.1 Consultations received from other institutions and organizations

Consultations	Other government institutions	# Pages to review	Other organizations	# Pages to review
Received during reporting period	168	9,320	0	0
Outstanding from the previous reporting period	16	5,598	0	0
Total	184	14,918	0	0
Closed during the reporting period	164	9,196	0	0
Pending at the end of the reporting period	20	5,722	0	0

5.2 Recommendations and completion time for consultations received from other government institutions

For the purposes of this section, "other government institutions" are other institutions subject to the *Access to Information Act*. In the majority of cases (104 consultation requests, or 63.4% of all consultation requests) AANDC recommended that the government institution disclose the consulted pages in their entirety (Figure 5.2).

The bulk of consultations processed by the ATIP Directorate (159 consultation requests, or 97.5% of all consultation requests) were completed within 30 days of their receipt (Table 5.2). There were no occurrences where AANDC required longer than 60 days to provide a response to the consulting institution.

Table 5.2 Recommendations and completion time for consultations received from other government institutions

Recommendations	Number of days required to complete consultations							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
Disclose entirely	77	26	1	0	0	0	0	104
Disclose in part	20	16	3	0	0	0	0	39
Exempt entirely	6	2	0	0	0	0	0	8
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	8	4	0	0	0	0	0	12
Other	0	0	0	0	0	0	0	0
Total	111	48	4	0	0	0	0	163

5.3 Recommendations and completion time for consultations received from other organizations

In 2013-2014, AANDC received no consultation requests from other organizations. For the purposes of this section, other organizations include the governments of the provinces, territories and municipalities and of other countries.

Table 5.3 Recommendations and completion time for consultations received from other organizations

Recommendations	Number of days required to complete consultations							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

Part 6. Completion time of consultations on Cabinet confidences

During 2013-2014, AANDC sent 40 consultations on the application of section 69 of the *ATIA* to DLSU for Cabinet confidences certification (Table 6). Only five consultations on Cabinet confidences took greater than 180 days to complete. All consultations were completed by the DLSU before the deadline provided by AANDC, a large improvement upon last year's statistics, wherein only 24.5% of all consultations were received before the deadline.

Table 6 Completion time of consultations on Cabinet confidences

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	1	0
31 to 60	1	0
61 to 120	20	0
121 to 180	13	0
181 to 365	5	0
More than 365	0	0
Total	40	0

Part 7. Resources related to the *Access to Information Act*

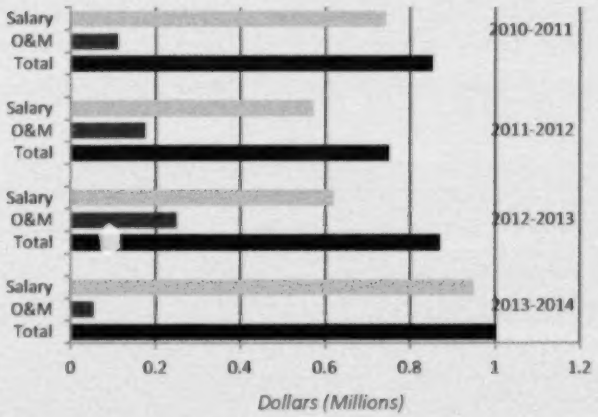
7.1 Costs

Table 7.1 Costs for the administration of the *ATIA*

Expenditures	Amount
Salaries	$947,989
Overtime	$1,377
Goods and Services	$53,744
➢ Professional services contracts	$53,744
➢ Other	$0
Total	$1,003,110

In 2013-2014, AANDC spent $1,003,110 on the administration of the *ATIA*, which is an increase of $134,534 (or 15.9%) from the $868,576 expended in 2012-2013 (Table 7.1). In particular, $331,103 more was devoted to salary while AANDC spent $194,378 less on operations, including professional services contracts. Last reporting period, in 2012-2013, the ATIP directorate relied on consultants from temporary help services to assist in the treatment of files. This year, many full-time openings were staffed permanently. This transition accounts for the significant reallocation of expenditures from goods and services to salaries.

Figure 7.1 Budget figures for the administration of the *Access to Information Act* over the previous four years



7.2 Human Resources

The Operations Unit within the ATIP Directorate consisted of 12.54 full-time equivalents (FTEs) dedicated to access to information activities (Table 7.2). All 12.54 FTEs were dedicated fully to access to information activities. Over the course of the reporting period, AANDC hired 8.50 FTEs of consultants or agency personnel to aid in administering the *ATIA*, particularly files of higher complexity and sensitivity. In general, AANDC had a larger contingent of personnel working on access requests than in previous years.

Table 7.2 Human resources dedicated to the administration of the *Access to Information Act*

Resources	Dedicated full-time to ATI Activities	Dedicated part-time to ATI activities	Total
Full-time employees	12.54	0.00	12.54
Part-time and casual employees	0.00	0.00	0.00
Regional staff	0.00	0.00	0.00
Consultants and agency personnel	1.5	0.00	1.50
Students	1.00	6.00	7.00
Total	15.04	6.00	21.04

Part 8. Informal release of previous released ATI packages and other ATIP Directorate functions

Throughout the reporting period, the ATIP Directorate also processed other types of files than formal requests under the *ATIA*. These include informal requests from the public as well as various other services provided internally to the Department. In total, the Directorate received nearly 750 informal or "other" requests in 2013-2014.

Informal Access Requests (Appendix A-1 of the TBS Statistical Report)

AANDC receives requests for information that can be answered without citing the *ATIA* but keeping within the spirit of the legislation. No application fee is required. Requests are treated informally when the information requested is mostly in the public domain or can be disclosed for other reasons (example: a band audit to a band member). In total, the ATIP Directorate treated 187 access-related requests through informal means in 2013-2014.

Any copy of a release package from a previously completed request, as listed on the AANDC Completed Access to Information Requests web page (http://www.aadnc-aandc.gc.ca/prodis/atip/rqs-eng.asp), is captured as pro-active disclosure. In 2013-2014, AANDC processed 82 requests for pro-active disclosure.

V. Complaints and Investigations

During the 2013-2014 reporting period, there were 60 complaints registered with the Office of the Information Commissioner (OIC) against AANDC (Table V.1). Approximately 65% of the complaints received cited one of two reasons: the application of exemptions or exclusions (26 complaints, 43.3%) or the 'no records'/incomplete response that was received by the requester (13 complaints, 21.7%).

Of the 20 complaints that were closed during the reporting period, half (9, or 45.0%) were deemed well-founded by the OIC but all were resolved without the OIC providing AANDC with recommendations (Table V.2). Almost a third (6, or 30%) were deemed not well-founded while five complaints were discontinued by the requester.

Table V.1 Number of complaints received

Type of Complaint	Number of Complaints
Exemption/Exclusion	26
No Records/Incomplete	13
Time Extension	9
Miscellaneous	4
Delay (Deemed Refusal)	2
Cabinet Confidence Exclusion	5
Fees	1
Special Delegation	0
Total	60

Table V.2 Findings of completed investigations

Type of Finding	Number of Occurrences
Well-founded, resolved without recommendations	9
Not well-founded	6
Discontinued	5
Well-founded with recommendations, resolved	0
Settled	0
Total	20

HIGHLIGHTS

VI. 2013-2014 Points of Interest

Under the leadership and support of the Corporate Secretary and ATIP director, the ATIP Directorate focused its business in 2013-2014 upon three key pillars: legislative and policy compliance, modernization, and engagement and support. The following are highlights of some activities undertaken this year under these key areas.

Full Compliance with Statutory Deadlines

AANDC reported no deemed refusals and closed each of the 586 requests it processed in 2013-2014 on time. Dating back to Q2 2011-2012, AANDC has gone 34 consecutive months without completing a request late.

Access to Information and Privacy Liaison Shared Drive

This year, the ATIP directorate created the Access to Information and Privacy Liaison Shared Drive. The Shared Drive allows for simple transfers of records between the ATIP directorate and offices of primary interest. The ATIP Liaison Shared Drive is an improvement upon its predecessor system, allowing for faster and easier distribution of consultations and records.

ATIP Online Request Pilot Project

In January 2014, the ATIP Directorate made further steps in its transition to a fully electronic record retrieval process. The ATIP Directorate launched the Access to Information and Privacy Online Request Pilot Project. This online pilot project makes it easier to submit access to information and privacy requests. Instead of printing, scanning and mailing forms to AANDC, individuals can now submit their requests online. Requestors are also able to pay the $5.00 application fee for their access to information request online securely using a credit card. This new and improved method of making ATIP requests will simplify the application process.

Education and Training

Educating staff on the *ATIA* as well as its implications for the Department and its operations continues to be of high importance to AANDC.

AANDC recognizes that a solid understanding of the *ATIA* allows analysts to better handle requests for records and respond with greater confidence and efficiency. Ongoing training of ATIP staff will positively impact how AANDC meets its legislative obligations and implements TBS policies and procedures including the "Duty to Assist" requesters.

To this end, several training sessions were offered over the year to ATIP employees regarding jurisprudence and the application of specific sections of the *ATIA*. ATIP employees are also encouraged to attend ATIP community conferences hosted by TBS or the OIC. In addition, opportunities were given to several ATIP employees to provide training to departmental staff and to build relationships with the various program areas of AANDC.

With respect to departmental training, AANDC continued its successful training campaign of 2013-2014. This year, the ATIP training presentation deck was revised to provide improved information and instruction to departmental staff. In total, the ATIP Directorate held 9 formal training sessions on the *ATIA*, as well as numerous informal *ad hoc* sessions as requested by AANDC program areas.

VII. Changes to the Organization, Policies, Guidelines and Procedures

Organization Changes

In 2013 - 2014, the Directorate stabilized its senior management structure. A permanent Director (EX-1) was appointed to head the directorate and a Team Leader position (PM-5) was filled through the use of another departmental pool. The Directorate also established a Deputy Director position (PM-6) to provide further organizational support to the Director and to manage daily ATIP activities.

The Directorate also faced human resource challenges with the departure of six employees, most notably the Manager of Privacy (PM-5) and two senior analysts (PM-4).

The Directorate saw these vacancies however, as an opportunity to provide support to the entire federal government ATIP community. Considering the specialized nature of ATIP, all departmental ATIP offices face staffing challenges and finding trained, qualified resources. As such, the Directorate launched

three competitive staffing processes (PM-1, PM-4, and PM-6) which were open to the Canadian public. The goal of these processes was to establish pools of qualified candidates in each PM level which would be open to all ATIP offices across government. In the spirit of further collaboration, the PM-4 competitive process was chaired jointly by AANDC and Industry Canada's ATIP Directors.

The Directorate also continued its practice of hiring several FSWEP students and providing them with a meaningful work experience, which included a rotation through each of the Privacy Policy, Intake and Operations Units.

Procedural Changes

Beyond the transition to electronic record retrieval, and creation of the ATIP Liaison Shared Drive, no significant procedural changes were undertaken in 2013-2014.

APPENDIX A

Order of Delegation of the *Access to Information Act* dated August 30, 2011.

Ministre des Affaires indiennes et du Nord canadien et interlocuteur fédéral auprès des Métis et des Indiens non inscrits

Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians

Ottawa, Canada K1A 0H4

Loi sur l'accès à l'information - Ordonnance de délégation de pouvoirs

En application des pouvoirs de désignation qui me sont conférés en vertu de l'article 73 de la *Loi sur l'accès à l'information*, j'autorise par les présentes les employés exerçant des fonctions ou occupant le poste de sous-ministre (numéro de poste 00001), sous-ministre délégué(e) (numéro de poste 00000006), bureau du sous-ministre; secrétaire du Ministère, (numéro de poste 12294), secrétariat du Ministère; et le coordonnateur de l'Accès à l'information et de la protection des renseignements personnels (numéro de poste 20003872) et les employés qui les succéderont, y compris les employés qui les remplacent en leur absence, ou toute personne ou agent désigné par écrit pour les remplacer, à exercer ces pouvoirs, responsabilités ou fonctions dévolus au ministre en tant que chef de cette institution administrative en vertu de la Loi, et tel qu'énoncés dans l'annexe A ci-jointe.

Access to Information Act – Delegation Order

Pursuant to the powers of designation conferred upon me by Section 73 of the *Access to Information Act*, the persons exercising the functions or positions of Deputy Minister (position number 00001), Associate Deputy Minister (position number 00000006), Deputy Minister's Office; Corporate Secretary, (position number 12294), Corporate Secretariat; and the departmental Access to Information and Privacy Coordinator (position number 20003872) and their respective successors, including in their absence, a person or officer designated in writing to act in the place of the holder of any such functions or positions are hereby designated to exercise those powers, duties or functions of the Minister as the Head of the government institution under the Act, and as set out in the attached Schedule A.

J'autorise par la présente les conseillers principaux de l'Accès à l'information et de la protection des renseignements personnels (numéros de postes 62364, 12590 et 12061) et ceux qui les succéderont, y compris, en leur absence, toute personne ou agent désigné par écrit pour agir en son nom, à exercer les pouvoirs, les responsabilités ou les fonctions dévolus au ministre en tant que chef de cette institution administrative du gouvernement en vertu de la Loi, et tel qu'énoncés dans l'annexe B ci-jointe.

The departmental Access to Information and Privacy Senior Advisors (position numbers 62364, 12590 and 12061) and their respective successors, including in her/his absence, a person or officer designated in writing as being authorized to act in the place of the holder of any such function or position, are hereby designated to exercise those powers, duties or functions of the Minister as the Head of the government institution under the Act, and as set out in the attached Schedule B.

Ministre des Affaires indiennes et du développement du Nord
Minister of Indian Affairs and Northern Development

Signé à Gatineau, le 2011
Dated at Gatineau, the 30 of Aug 2011

Canada

SCHEDULE A

DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT
SCHEDULE TO DELEGATION ORDER

DESIGNATION PURSUANT TO SECTION 73 OF
THE *ACCESS TO INFORMATION ACT*

Sections and Powers, Duties or Functions

6	Advise requesters that we need additional information to proceed with their request
7(a)	Give written notice to requestor that we can proceed with the request
8(1)	Transfer request to another institution or accept transfer from another institution
9	Extend time limits
10	Refuse to acknowledge or deny the existence of records
11	Charge additional fees
12(2)(3)	Provide access in alternate format
13	Exempt information obtained in confidence
14	Exempt information pertaining to federal-provincial affairs
15	Exempt information pertaining to international affairs and/or defence
16	Exempt information pertaining to law enforcement and investigations
17	Exempt information pertaining to the safety of individuals
18	Exempt information pertaining to the economic interests of Canada
19	Exempt personal information
20	Exempt or disclose third party information
21	Exempt information pertaining to advice, decision-making processes of government plans and positions etc.
22	Exempt information pertaining to testing procedures or audits
23	Exempt information pertaining to solicitor-client privilege
24	Exempt information subject to statutory prohibitions or other *Acts* of Parliament
25	Sever information
26	Exempt information to be published within 90 days
27(1)(4)	Notify third parties of their rights to provide comments/representations regarding the disclosure of their records
28(4)	Receive third party representations; make a decision as to whether to disclose the record or part thereof; and, notify third party of right to appeal to Federal Court
29(1)	Disclose information on Information Commissioner's recommendation
33	Advise the Information Commissioner of any third party involvement

35(2)	Make representations to the Information Commissioner during an investigation
37(4)	Release information to complainant
43(1)	Issue a notice to a third party of an application for Court review
44(2)	Issue a notice to an applicant that a third party has applied for Court review
52	Request special rules for hearings
69	Exclude Cabinet Confidences
71	Inspect and exempt information in manuals
72(1)	Prepare Annual Report to Parliament
77	Carry out responsibilities conferred to the Head of the institution by the regulations made under section 77 which are not included in the above

SCHEDULE B

DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT
SCHEDULE TO DELEGATION ORDER

DESIGNATION PURSUANT TO SECTION 73 OF
THE *ACCESS TO INFORMATION ACT*

Sections and Powers, Duties or Functions

6	Advise requesters that we need additional information to proceed with their request
7(a)	Give written notice to requestor that we can proceed with the request
8(1)	Transfer request to another institution or accept transfer from another institution
9	Extend time limits
11	Charge additional fees
27(1)(4)	Notify third parties of their rights to provide comments/representations regarding the disclosure of their records
28(1)(2)	Receive third party representations.
28(4)	Make a decision as to whether to disclose the record or part thereof; and, notify third party of right to appeal to Federal Court
33	Advise the Information Commissioner of any third party involvement
35(2)	Make representations to the Information Commissioner during an investigation
43(1)	Issue a notice to a third party of an application for Court review
44(2)	Issue a notice to an applicant that a third party has applied for Court review

APPENDIX B

AANDC 2013-2014 Statistical Report on the Administration of the *Access to Information Act*.

Statistical Report on the *Access to Information Act*

Name of institution: Aboriginal Affairs and Northern Development Canada

Reporting period: 4/1/2013 to 31-Mar-14

PART 1 – Requests under the *Access to Information Act*

1.1 Number of Requests

	Number of Requests
Received during reporting period	556
Outstanding from previous reporting period	101
Total	657
Closed during reporting period	586
Carried over to next reporting period	71

1.2 Sources of requests

Source	Number of Requests
Media	229
Academia	21
Business (Private Sector)	65
Organization	27
Public	214
Total	556

PART 2 – Requests closed during the reporting period

2.1 Disposition and completion time

Disposition of requests	Completion Time							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	More than 365 days	Total
All disclosed	24	70	12	8	1	1	0	116
Disclosed in part	12	67	27	73	54	23	0	256
All exempted	6	5	2	3	3	2	0	21
All excluded	1	1	0	1	1	0	0	4
No records exist	54	55	4	1	0	0	0	114
Request transferred	8	0	0	0	0	0	0	8
Request abandoned	52	6	1	0	0	0	0	59
Treated informally	3	5	0	0	0	0	0	8
Total	160	209	46	86	59	26	0	586

2.2 Exemptions

Section	of requests	Section	of requests	Section	of requests	Section	of requests
13(1)(a)	2	16(2)(a)	0	18(a)	2	20.1	0
13(1)(b)	4	16(2)(b)	0	18(b)	5	20.2	0
13(1)(c)	16	16(2)(c)	0	18(c)	0	20.4	0
13(1)(d)	1	16(3)	0	18(d)	1	21(1)(a)	80
13(1)(e)	0	16.1(1)(a)	0	18.1(1)(a)	0	21(1)(b)	58
14(a)	22	16.1(1)(b)	0	18.1(1)(b)	0	21(1)(c)	54
14(b)	0	16.1(1)(c)	0	18.1(1)(c)	0	21(1)(d)	13
15(1) - I.A.*	2	16.1(1)(d)	0	18.1(1)(d)	0	22	12
15(1) - Def.*	8	16.2(1)	39	19(1)	191	22.1(1)	0
15(1) - S.A.*	0	16.3		20(1)(a)	5	23	92
16(1)(a)(i)	4	16.4(1)(a)	0	20(1)(b)	84	24(1)	3
16(1)(a)(ii)	0	16.4(1)(b)	0	20(1)(b.1)	0	26	1
16(1)(a)(iii)	0	16.5	0	20(1)(c)	25		
16(1)(b)	4	17	4	20(1)(d)	33		
16(1)(c)	10						
16(1)(d)	0						

*I.A.: International Affairs Def.: Defence of Canada S.A.: Subversive Activities

2.3 Exclusions

Section	Number of requests	Section	Number of requests	Section	Number of requests
68(a)	0	69(1)(a)	10	69(1)(g) re (a)	63
68(b)	0	69(1)(b)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(c)	1	69(1)(g) re (c)	0
68.1	0	69(1)(d)	5	69(1)(g) re (d)	0
68.2(a)	0	69(1)(e)	21	69(1)(g) re (e)	0
68.2(b)	0	69(1)(f)	2	69(1)(g) re (f)	0
				69.1(1)	0

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	36	65	5
Disclosed in part	14	150	8
Total	50	215	13

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of requests	Number of pages processed	Number of pages disclosed	Number of requests
All disclosed	27337	12641	116
Disclosed in part	266639	112926	256
All exempted	27171	0	21
All excluded	1684	0	4
Request abandoned	1216	0	59

2

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less than 100 pages		101-500 pages		501-1000 pages		1001-5000 pages		More than 5000 pages	
	of requests	disclosed	of requests	disclosed	of requests	disclosed	of requests	disclosed	of requests	disclosed
All disclosed	86	2029	25	4189	2	1695	2	4719	1	9
Disclosed in part	76	1539	83	13930	39	14651	47	44801	11	38005
All exempted	10	0	5	0	4	0	0	0	2	0
All excluded	1	0	1	0	2	0	0	0	0	0
Abandoned	57	0	2	0	0	0	0	0	0	0
Total	230	3568	116	18119	47	16346	49	49520	14	38014

2.5.3 Other complexities

Disposition	Consultation required	Assessment of fees	Legal advice sought	Other	Total
All disclosed	17	1	0	98	116
Disclosed in part	159	8	0	89	256
All exempted	11	0	0	10	21
All excluded	2	0	0	2	4
Abandoned	0	6	0	53	59
Total	189	15	0	252	456

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of requests closed past the statutory deadline	Principal Reason			
	Workload	External consultation	Internal consultation	Other
0	0	0	0	0

2.6.2 Number of days past deadline

Number of days past deadline	Number of requests past deadline where no extension was taken	Number of requests past deadline where an extension was taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	0	0

2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	1	0	1
Total	1	0	1

PART 3 – Extensions

3.1 Reasons for extensions and disposition of requests

Disposition of requests where an extension was taken	9(1)(a) Interference with operations	9(1)(b) Consultation		9(1)(c) Third party notice
		Section 69	Other	
All disclosed	2	1	2	4
Disclosed in part	22	57	71	38
All exempted	0	1	5	5
All excluded	0	1	1	0
No records exist	0	0	1	1
Request abandoned	0	0	1	0
Total	24	60	81	48

3.2 Length of extensions

Length of extensions	9(1)(a) Interference with operations	9(1)(b) Consultation		9(1)(c) Third party notice
		Section 69	Other	
30 days or less	3	1	4	0
31 to 60 days	3	1	17	24
61 to 120 days	6	44	35	12
121 to 180 days	2	4	12	1
181 to 365 days	10	10	13	11
365 days or more	0	0	0	0
Total	24	60	81	48

PART 4 – Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of requests	Amount	Number of requests	Amount
Application	516	$2,580	14	$70
Search	5	$5,656	6	$14,730
Production	0	$0	0	$0
Programming	0	$0	0	$0
Preparation	0	$0	0	$0
Alternative format	0	$0	0	$0
Reproduction	0	$0	0	$0
Total	521	$8,236	20	$14,800

PART 5 – Consultations received from other institutions and organizations

5.1 Consultations received from other government institutions and organizations

Consultations	Other government institutions	Number of pages to review	Other organizations	Number of pages to review
Received during reporting period	168	9320	0	0
Outstanding from the previous reporting period	16	5598	0	0
Total	184	14918	0	0
Closed during the reporting period	164	9196	0	0
Pending at the end of the reporting period	20	5722	0	0

5.2 Recommendations and completion time for consultations received from other government institutions

Recommendation	Number of days required to complete consultation requests							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	than 365 days	Total
Disclose entirely	77	26	1		0	0	0	104
Disclose in part	20	16	3	1	0	0	0	40
Exempt entirely	6	2	0	0	0	0	0	8
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	8	4	0	0	0	0	0	12
Other	0	0	0	0	0	0	0	0
Total	111	48	4	1	0	0	0	164

5.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							
	1 to 15 days	16 to 30 days	31 to 60 days	61 to 120 days	121 to 180 days	181 to 365 days	than 365 days	Total
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0		0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

PART 6 – Completion time of consultations on Cabinet confidences

Number of days	Number of responses received	Number of responses received past deadline
1 to 15	0	0
16 to 30	1	0
31 to 60	1	0
61 to 120	20	0
121 to 180	13	0
181 to 365	5	0
More than 365	0	0
Total	40	0

PART 7 – Resources related to the Access to Information Act

7.1 Costs

Expenditures		Amount
Salaries		$947,989
Overtime		$1,377
Goods and Services		$53,744
• Professional services contracts	$53,744	
• Other	$0	
Total		**$1,003,110**

7.2 Human Resources

Resources	Dedicated full-time to ATI activities	Dedicated part-time to ATI activities	Total
Full-time employees	12.54	0.00	12.54
Part-time and casual employees	0.00	0.00	0.00
Regional staff	0.00	0.00	0.00
Consultants and agency personne	1.50	0.00	1.50
Students	1.00	6.00	7.00
Total	15.04	6.00	21.04